

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

DATA RESEARCH AND HANDLING, INC. d/b/a )  
WORKFORCE RELO, )  
 )  
 Plaintiff, )  
 v. )  
 ) Case No. 1:15-cv-336  
UPSTATE ALLIANCE OF REALTORS, INC., )  
UPSTATE ALLIANCE OF REALTORS )  
MULTIPLE LISTING SERVICE, INC., )  
PONE VONGPHACHANH, )  
INDIANA ASSOCIATION OF REALTORS, INC., )  
 and )  
NATIONAL ASSOCIATION OF REALTORS, )  
INC., )  
 )  
 Defendants. )

## **NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT**

The National Association of Realtors, Inc. (“NAR”), named as a defendant in the Plaintiff’s Amended Complaint for Damages filed on October 1, 2015 in the Superior Court of Allen County, Indiana under Cause No. 02D09-1403-CT-147, by counsel, hereby gives notice pursuant to 28 U.S.C. § 1446 of the removal of the above-entitled civil action from the Superior Court of Allen County, Indiana to the United States District Court for the Northern District of Indiana, Fort Wayne Division, and states the following:

1. On October 1, 2015, Data Research and Handling, Inc. d/b/a Workforce Relo, by counsel, caused to be filed in the Superior Court of Allen County, Indiana under Cause No. 02D09-1403-CT-147, a Plaintiff's Amended Complaint for Damages (the "Amended Complaint") naming NAR as a defendant for the first time. A copy of the Amended Complaint is attached hereto as Exhibit A.

2. A copy of the Amended Complaint, along with a Summons, were served by the Clerk of the Superior Court of Allen County, Indiana upon NAR by certified mail and were received in the mail by NAR on October 14, 2015, which was the first receipt by NAR of the Amended Complaint and Summons. A copy of the Summons is attached hereto as Exhibit B.

3. This Notice of Removal of Action to Federal Court is filed within thirty (30) days after receipt by NAR of the Amended Complaint and Summons pursuant to 28 U.S.C. § 1446.

4. The Amended Complaint and Summons constitute all process, pleadings, and orders served upon NAR in the above-entitled civil action.

5. Count VII of the Amended Complaint purports to allege that the defendants, including NAR, violated provisions of the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*

6. Count VIII of the Amended Complaint purports to allege that defendants, including NAR, violated provisions of the Sherman Act, 15 U.S.C. §§ 1 *et seq.*

7. Counts VII and VIII of the Amended Complaint include claims against the defendants, including NAR, arising under the laws of the United States within the original jurisdiction of a federal district court pursuant to 28 U.S.C. § 1331.

8. The other claims asserted in the Amended Complaint are within the supplemental jurisdiction of a federal district court pursuant to 28 U.S.C. § 1367.

9. Based upon the Amended Complaint, the above-entitled civil action may be removed to a federal district court pursuant to 28 U.S.C. § 1441.

10. Because the Superior Court of Allen County, Indiana is located within the district and division of this federal district court, the above-entitled civil action may be removed to this federal district court pursuant to 28 U.S.C. § 1446.

11. NAR is desirous of removing the above-entitled civil action to this federal district court.

12. As more fully shown by the Consent to Removal attached hereto as Exhibit C, the defendants Upstate Alliance of Realtors, Inc., Upstate Alliance of Realtors Multiple Listing Service, Inc., and Pone Vongphachanh, by counsel, consent to removal of the above-entitled civil action to this federal district court.

13. As more fully shown by the Consent to Removal attached hereto as Exhibit D, the Indiana Association of Realtors, Inc., named as a defendant in the Amended Complaint, by counsel, consents to removal of the above-entitled civil action to this federal district court.

14. All of the other defendants in the above-entitled civil action consent to removal of said action to this federal district court pursuant to 28 U.S.C. § 1446.

15. Promptly following the filing of this Notice of Removal of Action to Federal Court, NAR, by counsel, will cause a file-marked copy thereof to be mailed to counsel for all parties in the above-entitled civil action, including counsel for the plaintiff Data Research and Handling, Inc. d/b/a Workforce Relo, pursuant to 28 U.S.C. § 1446.

16. Promptly following the filing of this Notice of Removal of Action to Federal Court, NAR, by counsel, will cause a file-marked copy thereof to be filed with the Clerk of the Superior Court of Allen County, Indiana in Cause No. 02D09-1403-CT-147, pursuant to 28 U.S.C. § 1446.

Respectfully submitted,

HARRISON & MOBERLY, LLP

/s/ David J. Theising \_\_\_\_\_

David J. Theising  
HARRISON & MOBERLY, LLP  
10 West Market Street, Suite 700  
Indianapolis, Indiana 46204  
Telephone: (317) 639-4511  
Facsimile: (317) 639-9565  
Email: [dtheising@harrisonmoberly.com](mailto:dtheising@harrisonmoberly.com)

Counsel for National Association of  
Realtors, Inc.